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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT Jul 03, 2018

SEAN F. McAVOY, CLERK

WILLIAM ROBERT FAYANT,

Plaintiff,

v.

UNITEDHEALTHCARE OF WA,

Defendant.

No. 2:18-cy-00102-SMJ

ORDER GRANTING LEAVE TO AMEND

Defendant UnitedHealthcare of WA (UnitedHealth) moved to dismiss Plaintiff William Robert Fayant's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 7. In response, Fayant, proceeding pro se, filed an "Objection to Defendants Motion to Dismiss and . . . Motion for Leave to File Amended Complaint." ECF No. 9. The Court construes this filing as a motion for leave to file an amended complaint. Because UnitedHealth does not object to this request, ECF No. 11, and leave to amend should be freely given when justice requires, Fed. R. Civ. P. 15(a)(2), the Court grants Fayant's motion for leave to amend.

EASTERN DISTRICT OF WASHINGTON

Accordingly, **IT IS HEREBY ORDERED**:

ORDER - 1

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- 1. Plaintiff's Motion for Leave to File Amended Complaint, ECF No. 9, is GRANTED.
- Plaintiff shall file an amended complaint on or before August 3,
   2018.
- 3. Defendants' Motion to Dismiss, ECF No. 7, is DENIED AS MOOT. If Plaintiff fails to file an amended complaint, Defendant may refile this motion after August 3, 2018.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel and pro se plaintiff.

**DATED** this 3rd day of July 2018.

SALVADOR MENDOZA, JR. United States District Judge